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CONSIDERATION OF A CONDITIONAL USE REVIEW FOR AN ACCESSORY DWELLING UNIT AT GLACIER PARK SELF STORAGE

The applicant has requested approval for an accessory dwelling unit within the existing Glacier Park Self Storage facility located at 3758 Imperial Street within the Glacier Business Park. In accordance with Article 3 of the Land Use Code, accessory dwellings may be permitted within the Business Light Industrial Zoning District if approved through the Conditional Use Process. An existing 848 sq. ft. of

office is proposed to be converted to accessory dwelling unit within the existing structure. There is no new exterior construction associated with the proposed accessory dwelling unit.

The proposed Conditional Use Application can meet the requirements for approval, provided certain conditions are met.

Detail of Issue/Request:

Applicant and Owner: Stuart Painter
Oakwood Corporation

Agent: Karen Boyle
Executive Self Storage

Surrounding Zoning and Land Uses: The proposed Conditional Use Review for an Accessory Dwelling Unit is located at 3758 Imperial Street, Lots 6 and 7 Block 1 Glacier Business Park Amended 1ST Filing, in the northeast quarter of Section 5, Township 1 North, and Range 68 West at the intersection of Imperial Street and Eureka Way. The site is zoned Business Light Industrial (BLI). Specific neighboring zoning and land uses are:

North	C-H52 - Elmore/Spelts Subdivision (Poonia Development)
South	Industrial - Glacier Business Park
East	Business Light Industrial - Highway Oasis (Vacant)
West	Business Light Industrial – Glacier Business Park (Vacant)

Referral: The application was referred per the provisions of the Land Use Code to the applicable referral agencies, departments, and interests including, Weld County, Saint Vrain Sanitation District, Left Hand Water District, Colorado Department of Transportation, Town Attorney, Town Engineer, Frederick Firestone Fire Protection District, mineral interests, Town of Erie, Glacier Park Business Owner's Association, and all of the applicable utility companies. All referral responses are on file with the Planning Department and have been incorporated into the report as applicable.

- In response to the referral request, the Glacier Park Business Owner Association requested that this application not be approved until the sidewalk is installed and landscaping meets their requirements.

Public Notice: The public meeting was noticed in accordance with the provision of the Land Use Code.

Criteria: Section 4.9.4 of the Land Use Code establishes the criteria for a Conditional Use Review:

Section 4.9.4 Conditional Use. 4.9.4.b. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

- c. Conditional use review criteria. The Town shall use the following criteria to evaluate the Applicant's request:

- (1) The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.

No variance is being requested.

During the final inspection and prior to issuance of the certificate of occupancy for the storage facility and office space, it was observed that the required sidewalk was not installed and while the amount of landscaping was sufficient per the Land Use Code, the size of the plant material did not meet the minimum size requirements. In the spirit of cooperation and to promote a business friendly environment, Planning Staff agreed to allow the existing landscaping to remain provided additional trees and shrubs were installed. Accordingly three more trees and five more shrubs were installed. Staff also agreed to delay the installation of the sidewalk until future development. Note that the applicant has additional bays of storage units to construct, as shown in the attached site plan.

Provided a sidewalk is installed, as required by Section 2.11 of the Land Use Code and shown on the approved Site Plan, and the request is approved, or approved subject to conditions by the Board of Trustees as part of the Conditional Use Process, the application can be consistent with this criterion.

- (2) The conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.

No referral indicated conflict with this criterion.

- (3) The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

No referral indicated conflict with this criterion.

- (4) The conditional use will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district.

No referral indicated conflict with this criterion.

Caretaker dwellings are often part of storage facilities. There are two similar indoor storage facilities in Frederick. One has a caretaker dwelling, the other does not.

Since the proposed Accessory Dwelling Unit is located within the existing structure and no new construction will be required, the proposed accessory dwelling will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district.

- (5) The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

The business owners association indicated that the sidewalk needs to be installed. Per the Code, the applicant is required to install a sidewalk to ensure safety for pedestrians and vehicles in and adjacent to the site (see also Section 4.9.4.c. noted above). Note that sidewalks are also required by the Plat on the north and east sides of all streets within the

Glacier Park development.

Provided the sidewalk is installed, the proposed development will be consistence with this criterion.

- (6) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:
- (a) Traffic;
 - (b) Activity levels;
 - (c) Light;
 - (d) Noise;
 - (e) Odor;
 - (f) Building type, style and scale;
 - (g) Hours of operation;
 - (h) Dust; and
 - (i) Erosion control.

No referral indicated conflict with this criterion.

A portion of the storage area has not been constructed. Onsite parking is sufficient for the current use and the applicant has set aside two storage units to be used for parking for the proposed dwelling unit. It is recommended that these units be set aside permanently, or that a minimum of two onsite parking stalls be created within the storage area to provide onsite parking for the residents and guests to meet the parking requirements of the code (two on-site parking stalls for each dwelling plus office use parking). The existing three parking stalls at the site entrance can then be reserved for customers and accessible parking, and the proposed development will meet the minimum parking requirements outlined in Article 2.

- (7) The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained.

Provided the request is approved, or approved subject to conditions by the Board of Trustees as part of the Conditional Use Process, and the applicant obtains or maintains all applicable permits, authorizations, and conforms to the recommended conditions of approval, the application will be consistent with this criterion. Staff also verified that the applicant is current on all Land Use application fees.

Summary: The applicant submitted a site plan for an indoor self storage facility in June of 2006 and requested a waiver to Section 3.16(2) of the previous Land Use Code. The waiver request was granted per Resolution 06R055 waiving the limitation to the maximum allowed road frontage permitted under the self storage requirements noted in the previous Code. The Applicant had provided for a caretaker facility in the initial application; however, since the accessory dwelling (aka caretaker facility) could not be approved administratively the plans were revised converting the area previously designated for the accessory dwelling to office space. The Site Plan for an indoor storage facility was subsequently approved and constructed, as approved in the Site Plan. The applicant also signed an affidavit verifying that the office space would not be used as an accessory dwelling unit until such use was approved in accordance with the provisions of the Land Use Code.

During the final inspection, it was determined that the quantity of landscaping met requirements; however, the size of the woody plant material did not and the required sidewalk had not been installed as shown on the site plan. In the spirit of cooperation, planning staff agreed to allow the substandard vegetation to remain, provided additional trees and shrubs were installed. In addition, understanding that additional permits were pending to complete the site, it was agreed that the sidewalk could wait for future development. The applicant complied with these requirements and staff authorized the Occupancy of the indoor storage facility and office, subject to compliance with these conditions on June 9, 2008.

An application for the caretaker's facility was provided during the summer of 2008; however it was rejected as incomplete. The applicant provided a complete conditional use application to convert 848 sq. ft. of office space to an accessory dwelling unit as a caretaker's facility on November 3, 2008. During the referral process, the Glacier Park Business Owner's Association expressed concerns regarding the substandard landscaping and lack of sidewalk. No other referral entities expressed significant concerns. During a recent site visit, staff observed outdoor storage on the property and an un-permitted banner sign. The applicant was advised that outdoor storage is not permitted on this site and that all signs, including banner signs shall comply with the requirements of the Land Use Code. These items have been addressed by the applicant.

A neighborhood meeting was held on November 20th, 2008. One person attended the meeting and expressed no objections or concerns regarding the proposal.

Provided certain conditions are met, as noted in this report, the request can meet the requirements for approval.

Planning Commission:

The Planning Commission considered the request at a public hearing on December 16, 2008. There was no one from the public in attendance.

The Planning Commission asked if the applicant was surprised by the need for a sidewalk, if there was sufficient parking on site per the code, and if the applicant could fund the sidewalk at this time.

Staff advised the Commission that the applicant was aware of the sidewalk requirements as shown in their approved site plan, that there is sufficient parking for the current use, and that the condition to retain parking on site for the caretaker meets the applicable requirements of the Code.

Initially the applicant requested that the sidewalk installation be delayed until December 2010 or phase 2; whichever comes first. Since it is difficult to pour concrete in the winter, staff recommended that the date be September 30, 2010 so that the sidewalk would be installed prior to the first frost and avoid further construction delays. The applicant's agent noted that the project's funding is closed, so there is not sufficient revenue to install the sidewalk at this time. The applicant indicated that they agree to the conditions of approval as noted in the planning commission resolution.

The planning commission voted unanimously to approve the request subject to conditions as outlined in PCR-2008-21C.

Legal/Political Considerations:

None noted.

Alternatives/Options:

The Board of Trustees may consider the following options regarding the application:

- ☐ Approve the request finding it is substantially in conformance with the provisions of the Land Use Code and Comprehensive Plan;
- ☐ Deny the request with a finding that it does not substantially achieve conformance with the provisions of the Land Use Code and Comprehensive Plan;
- ☐ Approve the request finding that it would be substantially in conformance with the provisions of the Land Use Code and Comprehensive Plan if certain conditions are met;

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff and the Planning Commission recommend approval of the Glacier Park Storage Accessory Dwelling Unit subject to the following Conditions:

1. The sidewalk, as shown in the approved site plan and located along Imperial Street, shall be installed prior to the issuance of any building permits for phase two of the development, or by September 30, 2010; whichever occurs first.
2. An area consisting of two onsite parking stalls or alternatively two storage units shall be dedicated to and maintained for the Accessory Dwelling Unit for the office and residential use; excluding and in addition to the existing office parking at the entry.